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MAY 7 1981

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Board of Pardons and Paroles -
Prisons and Prisoners - Hearings

The Code of Alabama does not require
the Board of Pardons and Paroles to
conduct parole revocation hearing
in county jail.

Dear Mr. Williams:

The Attorney General is in receipt of your request
for an opinion dated April 7, 1981, in which you posed the
following question:

"Does the Board of Pardons and Paroles
have the responsibility of conducting
parole violation hearings in the county
jails of the state when the delinquent
parolee is detained in the county jail
and is not returned expeditiously to the
prison system?"

Section 15-22-32, Code of Alabama 1975, provides in part:

"The warden of each prison shall promptly
notify the Board of the return of a
paroled prisoner charged with violation
of parole. Thereupon, such Board shall,
as soon as practicable, hold a parole

court at such prison or at such other place as it may determine and consider the case of such parole violator, who shall be given an opportunity to appear personally or by counsel before such Board and produce witnesses and explain the charges made against him."

Section 15-22-31, Code of Alabama 1975, provides in part:

"...such officer or Board member shall report such fact to the Board of Corrections, which shall thereupon issue a warrant for the retaking of such prisoner and his return to the prison designated."

Clearly, Section 15-22-31, places a delinquent parolee into the custody of the Alabama Department of Corrections. As such, the Alabama Department of Corrections is responsible for this person, whether that person be incarcerated in a county jail or a state prison. Section 15-22-32, clearly presupposes the transportation of delinquent parolees to a state prison in that the warden of each prison is charged with the responsibility of notifying the Board of Pardons and Paroles of the return of a paroled prisoner who has been charged with a violation of parole. It is therefor the Attorney General's opinion that the Alabama Department of Corrections is clearly charged with the responsibility of promptly notifying the Alabama Board of Pardons and Paroles of the custody, whether it be in a state prison or a county jail, of a person charged with a violation of parole.

Section 15-22-32, as quoted above, states that the Board of Pardons and Paroles is charged with the responsibility of acting as soon as practicable in order to determine if a person charged with a violation of parole should be subject to revocation of that parole. The Parole Board is then charged with the responsibility of holding a parole court at a prison or at such other place as it may determine. Since the entire chapter in the Code of Alabama pertaining to pardons, paroles and probation, Section 15-22-1 et seq., is replete with references to the Department of Corrections cooperating with

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the Board of Pardons and Paroles it is therefor the opinion of the Attorney General that the Department of Corrections should cooperate with the Board of Pardons and Paroles in designating such places as may be necessary to conduct parole courts. It must also be noted that the ultimate responsibility for holding parole courts and determining the possibility of revocation of parole is clearly upon the Board of Pardons and Paroles and the Board is further charged with the responsibility of holding such hearings as soon as practicable. The Board of Pardons and Paroles is not limited to holding such hearings at state prisons, but may pursuant to Section 15-22-32, designate other places for hearings to be held.

It is therefor the opinion of the Attorney General that the Board of Pardons and Paroles is not required to conduct parole revocation hearings in each and every county jail, however, the Board is clearly charged with the responsibility of conducting such hearings as soon as practicable at a state prison or such other place as the Board may determine. The responsibility and the liability flowing therefrom, for expeditious determination of revocation of parole is clearly by statute vested in the Board of Pardons and Paroles. It is further the Attorney General's opinion that both the Department of Corrections and the Board of Pardons and Paroles must cooperate in order to preserve the rights of the persons entitled to hearings as soon as practicable.

Sincerely,

CHARLES A. GRADDICK
ATTORNEY GENERAL

By-



RICHARD N. MEADOWS
ASSISTANT ATTORNEY GENERAL

CAG/RNM/mr